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WORLD CONFERENCE AGAINST RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE

Preparatory Committee
Second session
Geneva, 21 May -1 June 2001

Item 5 of the provisional agenda

REPORTS OF PREPARATORY MEETINGS AND ACTIVITIES AT THE INTERNATIONAL, REGIONAL AND NATIONAL LEVELS

Report of the expert group meeting on gender and racial discrimination

Note by the Secretary-General

The Secretary-General has the honour to transmit to the Preparatory Committee the report of the expert group meeting on gender and racial discrimination held from 21 to 24 November 2000 in Zagreb.

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I. Introduction

Historically, gender and other forms of discrimination, including racial discrimination, have been considered in parallel. However, interlinked and mutually reinforcing trends, including recommendations of United Nations conferences and summits, have increased the demand for a more comprehensive analysis of the dynamics of discrimination against women, including the intersection of the various different forms of such discrimination. The Fourth World Conference on Women provided the context for increased perception that various types of discrimination may affect women and men differently. The Beijing Platform for Action, adopted at that Conference, drew attention to the fact that factors such as age, disability, socio-economic position or belonging to a particular ethnic or racial group, could compound with discrimination on the basis of sex and create multiple barriers for women's empowerment and advancement. It also made clear that gender discrimination may be intensified and facilitated by these and other factors, and that without explicit recognition and focused monitoring of the different life experiences of women and men in private and public life, other forms of discrimination could escape detection and, therefore, appropriate remedy.

The combined effects of racial and gender discrimination on the advancement of women and their achievement of equality with men have attracted increasing attention, particularly in the implementation of the critical areas of concern of the Beijing Platform for Action, and in relation to substantive issues such as migration, including violence against women migrant workers and trafficking in women and girls. The Economic and Social Council's agreed conclusions 1997/2 and preparations for the Third World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which will take place in Durban, South Africa, from 31 August to 7 September 2001, have also given greater prominence to the combined effects on women of gender and racial discrimination. Thus, at its fifty-sixth session in March 2000, the Committee on the Elimination of Racial Discrimination adopted a general recommendation on gender-related dimensions of racial discrimination (ICERD/C/56/Misc.21/Rev.3). The special session of the General Assembly on "Women 2000: gender equality, development and peace for the 21st century" (June 2000) made several recommendations directed at the elimination of racially motivated violence against women and girls.

Recognizing that gender discrimination may combine with other forms of discrimination and present particular obstacles for women, the Commission on the Status of Women decided to consider the issue of gender and all forms of discrimination, in particular, racial discrimination, xenophobia and related intolerance as a priority theme in its work programme for the year 2001. The United Nations Division for the Advancement of Women (DAW), in collaboration with the Office of the High Commissioner for Human Rights (OHCHR) and the United Nations Development Fund for Women (UNIFEM), organized an Expert Group Meeting on "Gender and Racial Discrimination" to contribute to further understanding of this issue, and provide input into the report of the Secretary-General to the Commission at its forty-fifth session, as well as to the World Conference against Racism, Racial Discrimination, Xenophobia and

Related Intolerance. The meeting was hosted by the Government of Croatia and took place in Zagreb, Croatia from 21 to 24 November 2000.

The meeting considered three topics: the intersection of gender and racial discrimination directed towards women and girls, such as ethnic based violence and trafficking; the disadvantages, obstacles and difficulties women face in the enjoyment of economic, social, cultural, political and civil rights as a result of the intersection of racial and sex discrimination both in public and private domain; and measures to eradicate racism, racial discrimination, xenophobia and related intolerance and their specific effects on women and girls and provision of remedies and redress.

II. Organization of work

A. Attendance

The Expert Group Meeting on "Gender and Racial Discrimination" was held in Zagreb (Croatia) from 21 to 24 November 2000. It was organized by the Division for the Advancement of Women (DAW) in collaboration with the Office of the High Commissioner for Human Rights (OHCHR) and the United Nations Development Fund for Women (UNIFEM). The Government of Croatia hosted the meeting, which was attended by 13 experts from different regions, and 33 observers from Governments, intergovernmental organizations, the United Nations system and non-governmental organizations (see annex I for the full list of participants).

B. Documentation

The documentation of the meeting comprised three background papers (one prepared by a consultant, one prepared by the Division for the Advancement of Women and one prepared by UNIFEM); twelve papers by experts; two by observers and one statement (see annex II). In view of their relevance to the issues under discussion, a number of United Nations documents and other reference papers were made available.

This report and all documentation of the meeting are available on-line at the DAW website:

http://www.un.org/womenwatch/daw/.

C. Programme of work

At its opening session on 21 November 2000, the meeting adopted the following programme of work as follows (see annex III):

Opening of the meeting and opening statements
Election of offices
Adoption of programme of work
Presentation of papers:
    background papers
    experts' papers
    observers' papers and statements
General discussion
Working group discussion on

- definitional parameters of the intersection of gender and racial discrimination;
- the disadvantages, obstacles and difficulties women face in the enjoyment of economic, social, cultural, political and civil rights as a result of the intersection of racial and sex discrimination both in the public and private domain;
- and measures to eradicate racism, racial discrimination, xenophobia and related intolerance and their specific effects on women and girls, and provision of remedies and redress.

Presentation of reports from working groups

Adoption of the report of the meeting

Closing of the Expert Group Meeting

D. Election of officers

At its opening session, the meeting elected the following officers:

Chairperson:	Ms. Marsha J. Darling (United States of America)
Vice-chairperson:	Ms. Ruth Manorama (India)
Rapporteur:	Ms. Kimberlé Williams Crenshaw (United States of America).

E. Opening statements

The Expert Group Meeting was opened by Ms. Zeljika Antunovic, Deputy Prime Minister of the Government of the Republic of Croatia and President of the Commission of the Republic of Croatia for Gender Equality Issues. She welcomed the participants on behalf of her Government and underlined the importance of the meeting and its recommendations for the advancement of women and the achievement of the goals of gender equality, particularly in the context of the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. She emphasized the relevance of the meeting for Croatia as the Government had begun elaboration of its National Policy for Promotion of Equality for the period 2001 - 2005.

In her opening statement, Ms. Yakin Ertürk, Director of the Division for the Advancement of Women, placed the subject in the context of globalization which she noted was diversifying women's participation in the labour market across national boundaries and thereby increased the potential for women to encounter multiple forms of discrimination She indicated that the Beijing Platform for Action provided the framework for the recognition of multiple and co-existing forms of discrimination resulting in multiple disadvantage. She reminded participants that the combined effects of gender and racial discrimination on the advancement of women, and the achievement of gender equality have been considered in the context of three of the critical areas of concern identified in the Platform for Action: violence against women, women and armed conflict and the human rights of women. The intersection of gender and racial discrimination had also been of relevance in regard to trafficking in women and children and migration.

The Director of the Division indicated that the impact of gender and racial discrimination on women had not been subject to detailed and in-depth consideration at the international level, but that it was now attracting greater attention. In March 2000, the Committee on the Elimination of Racial Discrimination had adopted a general recommendation on gender-related dimensions of racial discrimination, in which it emphasized that racial discrimination does not always affect women and men equally, or in the same way, and that there are circumstances in which racial discrimination only, or primarily affects women. The "outcome document" of the special session on Beijing+5 demanded that Governments take measures to address racism and racially motivated violence against women and girls and support for NGO programmes which address all forms of violence against women and girls, including that which was race or ethnic-based.

The Director of the Division expressed the hope that the expert group meeting would provide an opportunity to identify how racism, racial discrimination, xenophobia and related intolerance impact on women and girls, and the implementation of the recommendations of the Beijing Platform for Action. She assured participants that the results of the meeting would be submitted to the Commission on the Status of Women at its forty-fifth session in March 2001 where it would take up, inter alia, the thematic issue of gender and all forms of discrimination, in particular racism, racial discrimination, xenophobia and related intolerance.

Opening statements were also made by Ms. Madeleine Rees on behalf of the OHCHR, Ms. Roxanna Carrillo on behalf of the UNIFEM, and by Ms. Dubravka Simonovic, Chairperson of the Commission on the Status of Women. Mrs. Mary Robinson, the United Nations High Commissioner for Human Rights also welcomed participants in a video message.

F. Working groups

The Expert Group Meeting established two working groups to consider the issues of gender and racial discrimination and develop the recommendations for action at the national and international levels.

Working group I on definitional parameters of the intersection of gender and racial discrimination and its impact on women and girls was chaired by Ms.Vera Chirwa, (Malawi); Ms. Ruth Manorama (India) served as rapporteur. Working group II on the disadvantages, obstacles and difficulties women face as a result of the intersection of racial and sex discrimination and measures to eradicate them, including the provision of remedies, was chaired by Ms. Pinar Ilkkaracan (Turkey); Ms. Pragna Patel (United Kingdom) served as rapporteur.

III. SUMMARY OF THE DEBATE

A. Background

Respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion is established in Article 1 of the Charter of the United Nations as one of the purposes of the Organization. The Universal Declaration of Human Rights provides that everyone is entitled to all the rights and freedoms in the Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and a large part of the policy, normative and operational work of the United Nations has been directed towards the elimination of discrimination.

Many forms of discrimination continue to be practised worldwide: in all regions of the world, people are denied equal rights to franchise, political participation and the exercise of citizenship because of some real or perceived distinction. They may be denied equal rights to food, shelter, work, health care, education or credit. Discrimination is the most fundamental cause of human rights violations, and is frequently manifested and sustained through the use of violence. The many atrocities of the twentieth century, including genocide, testify to how distinctions can be manipulated to produce tragic results.

The United Nations Human Rights Committee has stated that discrimination should be understood to imply any distinction, exclusion, restriction or preference which is based on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, property birth or other status, and which has the purpose of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing of all rights and freedoms. The categorization of others as inferior

and undeserving of equal treatment or equal enjoyment of rights has been used to justify discriminatory behaviour and practice.

Efforts to eradicate discrimination have long been high on the agenda of the international community, in particular, the United Nations. Racism and racial discrimination were the subjects of the United Nations Declaration adopted in 1963, and a Convention, adopted two years later. Two Decades to Combat Racism and Racial Discrimination followed, the first beginning in 1973, and the second in 1983, both of which included a World Conference to Combat Racism and Racial Discrimination. In 1993, the Third United Nations Decade on Racism was initiated and one year later a Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance was appointed by the Commission on Human Rights. In 1997, the General Assembly declared 2001 to be the International Year of Mobilization Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and called for the Third World Conference to be convened during that year. Official preparatory committees for this Conference have met, and many associated events have been organized by the United Nations, other intergovernmental bodies, Governments and civil society, including non-governmental organizations.

United Nations efforts to address sex discrimination, or discrimination on the basis of gender, have proceeded on a separate, but parallel track. A Declaration on the Elimination of Discrimination against Women was adopted by the General Assembly in 1967, and a Convention in 1979. In 1975, the First World Conference on Women was held in Mexico City which led to the United Nations Decade for the Advancement of Women (1976-85), followed by three World Conferences on Women in 1980, 1985 and 1995. The most recent of these Conferences, held in Beijing, attracted the largest participation of any United Nations World Conference, and adopted the Platform for Action, the comprehensive plan of action to enhance the social, economic and political empowerment of women. The Platform was reaffirmed and strengthened by the twenty-third special session of the General Assembly – Beijing+5 – in June 2000.

By drawing attention to the fact that factors such as age, disability, socio-economic position or membership of a particular ethnic or racial group could create particular barriers for women, the Beijing Platform for Action provided the framework for the recognition of multiple and co-existing forms of discrimination resulting in multiple disadvantage. The Platform also facilitated an understanding that the various categories of discrimination do not necessarily affect women and men in the same way.

In March of 2000, the Committee on the Elimination of Racial Discrimination adopted a general recommendation on gender-related dimensions of racial discrimination, in which it emphasized that racial discrimination does not always affect women and men equally, or in the same way, and that there are circumstances in which racial discrimination only, or primarily affects women. The year before, the International Criminal Tribunal for Rwanda had recognized the link between gender and racial discrimination by concluding that genocide could be perpetrated through sexual violence. The "outcome document" of the special session on Beijing+5 demanded that

Governments take measures to address racism and racially motivated violence against women and girls and support for programmes of non-governmental organizations which address all forms of violence against women and girls, including that which is race or ethnic-based. The Asia-Pacific Seminar of Experts in Preparation for the World Conference on Racism: Migrants and Trafficking in Persons with Particular Reference to Women and Children held from 5 to 7 September 2000 in Bangkok, Thailand emphasized the interaction of gender and racial discrimination which predicated that some women of certain racial or ethnic groups were subjected to abuses in larger measure than other women, while particular forms of violations, such as trafficking in women and girls frequently involved racist attitudes and perceptions, and were often directed at certain racial and ethnic groups, indigenous women and migrants.

B. Global context of the intersection of gender and racial discrimination

Discrimination emanating from categorical distinctions on the basis of sex and race have historically intersected in multiple and diverse ways, and have taken specific forms during particular historical conjunctures, such as in the contexts of slavery and colonialism. The dominant structures of power often relied on violence to sustain their patriarchal and racial boundaries.

Unlike the State formation of pre-industrial societies, contemporary States establish their gender and racial regimes through the "unmarked" discourse of citizenship which is defined along the principle of individual rights. The gender regime of the liberal State is firmly engrained in the patriarchal household, with the male citizen as its head. The racial regime of the liberal State has been regulated mainly through immigration and naturalization laws. Through the construction of racialized and gendered citizenship, modern states have reproduced the historically established structures of domination albeit in different ways. Analysis of the phenomenon of citizenship within the modern national State reveals how notions of gender (the "nuclear family"), and race (the "other") are implicitly woven into the laws.

The role of the national State, as well as the issues of gender and race, are gaining new significance as the world becomes increasingly globalized. The political, social and economic forces associated with globalization have ended some of the long-lasting divides of the twentieth century (for example, the East/West blocks of the cold war era). However, exclusions and identity-politics based on racial/ethnic/religious differences have become more prominent and are increasing. Anti-immigration policies are now common in many countries, and racist activism, which often accompanies such policies, has reemerged. These factors are becoming more pronounced at a time when women of the South are being incorporated on a massive scale into the multinational labour force.

In contrast to the experience immediately following World War II, when developed economies imported "guest workers" who were predominantly male (women being perceived as dependents), it is now the women of the South who overwhelmingly

constitute the labour for the more recent phenomenon of relocation of mass production industries to countries where unionization is weak and unemployment high. The increased trade in services, particularly in the area of domestic work, care giving, the entertainment sector, among others has also increased the opportunities for women of the South to engage in migrant labour. Similarly, women of countries with economies in transition have found temporary labour migration to be their only option for survival. The decline in the State provision of welfare services in an era when the populations of developed countries are ageing predicates that the demand for female labour from the countries of the South to serve as care-givers will continue and intensify.

As the global economy secures cheap and flexible labour through immigration and offshore production, sexism, racism and class prejudices become personified through the women who are entering the labour market as suppliers of cheap and unorganized labour. This process increases women's vulnerability to multiple forms of discrimination and subordination. At the same time, the global development of international human rights protection opens new spaces for women's individual and collective struggles against all and multiple forms of discrimination.

C. Intersectional subordination of women

Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination defines racial discrimination as "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life." In accordance with this definition, the terms "race," "racism" and "racial discrimination" may be used broadly to capture all forms of group-based discrimination including those based on formal racial distinctions, as well as those based on colour, ethnicity, caste whether by descent and/or occupation, national origin, and ancestry. Because the nature of group-based discrimination varies widely, there is no uniform way to name or describe the women who are victimized by racial discrimination. In some contexts, the term "women of colour" may be appropriate, in others, the term "ethnic women" or "minority women" may be more descriptive and in still others, none of these terms are appropriate. To capture all the ways in which some women are marginal relative to others within their societies, various terms may be used. These include the term "racialized women" and/or "marginalized women".

There is growing recognition that the failure to address the various "differences" that characterize the problems of different groups of women can obscure or deny human rights protection due to all women. While it is true that all women are in some way subject to gender-discrimination, it is also true that other factors relating to women's social identities such as class, caste, race, colour, ethnicity, religion, national origin are "differences that make a difference" in the ways in which various groups of women experience discrimination. These factors can create problems and vulnerabilities that are

unique to particular groups of women or that disproportionately affect some women relative to others.

The consequences of the interaction of multiple forms of subordination, including gender and race discrimination, are often considered to be separate and mutually exclusive forms of discrimination. As a result, victims of multiple forms of discrimination may not have access to effective remedies for redress. Moreover, interventions designed to address racial or gender discrimination may not effectively address the situation of those affected by multiple forms of discrimination.

The consequences of multiple forms of discrimination have been variously described as compound discrimination, interlinking forms of discrimination, multiple burdens, or double or triple discrimination.

The idea of "intersectionality" seeks to capture both the structural and dynamic consequences of the interaction between two or more forms of discrimination or systems of subordination. It specifically addresses the manner in which racism, patriarchy, economic disadvantages and other discriminatory systems contribute to create layers of inequality that structures the relative positions of women and men, races and other groups. Moreover, it addresses the way that specific acts and policies create burdens that flow along these intersecting axes contributing actively to create a dynamic of disempowerment.

Intersectional subordination may be described by the metaphor of a traffic intersection. In this metaphor, race, gender, class and other forms of discrimination or subordination are the roads that structure the social, economic or political terrain. It is through these thoroughfares that dynamics of disempowerment travel. These thoroughfares are sometimes framed as distinctive and mutually exclusive avenues of power. For example, racism is frequently perceived as distinct from patriarchy, while patriarchy is, in turn, viewed as distinct from class oppression. In fact, the systems of discrimination or subordination often overlap and cross each other, creating complex intersections at which two, three or four of these avenues meet. Racialized women and other multiply burdened groups who are located at these intersections by virtue of their specific identities must negotiate the "traffic" that flows through these intersections to avoid injury, and obtain resources for the normal activities of life. This can be dangerous when the traffic flows simultaneously from many directions. Injuries are sometimes created when the impact from one direction throws victims into the path of oncoming traffic, while on other occasions, injuries occur from simultaneous collisions. These are the contexts in which intersectional injuries occur – when multiple disadvantages or conditions interact to create a distinct and compound dimension of disempowerment.

Intersectional discrimination which results in subordination creates consequences for those affected in ways which are different from consequences suffered by those who are subject to one form of discrimination only, be it based on race, gender or some other form of discrimination, such as sexual orientation, age and class. The consequences of intersectional discrimination may remain unaddressed by prevailing human rights

approaches because the specific problems or conditions created by intersectional discrimination are often subsumed within one category of discrimination, such as race or gender discrimination.

Thus, a problem or condition that disproportionately affects a subset of women may be framed solely as a women's problem. Aspects of the issue that render it an intersectional problem may be absorbed into a gender framework, and there may be no attempt to acknowledge the role that some other form of discrimination, such as racism, may have played in contributing to the circumstance. In this context, the full scope of problems that are simultaneously products of various forms of discrimination such as on the basis of race and gender escapes effective analysis. Consequently, efforts to remedy the condition or abuse in question are likely to be as incomplete as is the analysis upon which the intervention is grounded.

The issue of trafficking in women and girls illustrates how intersectional subordination can be ignored when abuses are subsumed under the category of gender discrimination.

Trafficking is usually considered to be a gender issue and the result of discrimination on the basis of sex. It is rarely analyzed from the perspective of other forms of discrimination. For example, the United Nations Secretary-General's report on the trafficking in women and girls submitted to the 55th session of the General Assembly in 2000 did not address the issue of whether race, or other forms of discrimination, contributed to the likelihood of women and girls becoming victims of trafficking. However, when attention is paid to which women are most at risk of being trafficked, the link of this risk to their racial and social marginalization becomes clear. Moreover, race and racial discrimination may not only constitute a risk factor for trafficking, it may also determine the treatment that racialized women experience in countries of destination. In addition, racist ideology and racial, ethnic and gender discrimination may create a demand in the region or country of destination which could contribute to trafficking in women and girls.

Domestic violence is another problem that is often perceived solely as a gender issue. However, for some racialized women, the right to live free from violence may be compromised by other restrictions on their autonomy which compound their marginalized status. For example, State policies may exacerbate the victimization of racialized women subjected to domestic violence, leaving them with no effective redress and denying them participation in decision-making within the family, community and society. Victims may face language barriers or cultural insensitivity. In many countries, moreover, the right of racialized women to State protection from domestic violence may be compromised by their immigration status.

Immigration policies in many countries require foreign spouses to remain married for a period of time, usually a year or more, before they are granted settled immigration status and are therefore free from deportation. In these cases, foreign spouses are liable to

deportation if their marriage breaks down before the specified period. Immigrant women may be therefore faced with a stark choice: domestic violence or deportation.

In some countries, these restrictions have been modified to allow women who are able to demonstrate domestic violence immigration status. However, here the proof required may be a police conviction, caution or court order, a standard too high for many women. Racialized women may be afraid to report violence to the police because of fear of systematic racism which will affect them and their community, particularly if police and other authority figures are perceived to use coercive measures of enforcement in their communities. Such women may also have limited access to lawyers or legal aid.

In many instances, the interaction of legislation relating to immigration status, social benefits and housing may leave immigrant women with no access to basic welfare resources, including housing, prerequisites for most women who wish to leave a violent relationship. In other situations, racialized women may suffer because members of their community may seek to justify violence against women, including domestic violence, on the basis of traditional, customary or religious practices. Here the community's purported shared racial, ethnic or cultural identity can be used by the State to excuse non-interference. The failure of many countries to recognize gender-based violence as a ground for refugee status is also frequently analysed as a gender issue, although the adverse implications of this disproportionately affects racialized women.

Intersectional discrimination can also be ignored where a condition or problem is specific to women within a racial or ethnic group, and unlikely to happen to men. In this context, problems faced solely by women of a specific racial group may not be readily identified as resulting from racial discrimination, as the fact that the burden involves gender discrimination may obscure the fact of racial discrimination.

An illustration of this under-inclusive analysis of racial discrimination is the sterilization, in some countries, of marginalized women, frequently without their knowledge or full or informed consent, and other coercive measures involving women's reproductive health. These coercive measures have often not been addressed as a race issue although when examined carefully there are usually race, class or other "risk" factors that distinguish which women are likely to suffer such abuses from women who are not. For example, Roma women have been subjected to involuntary gynecological examinations, while women in some parts of the global South have been encouraged to reduce their birth rates through various coercive measures. In some countries, racialized women have been the targets of involuntary sterilization, sterilization campaigns and the subjects of experimental reproductive technologies.

Just as the disadvantage women suffer may be analyzed as the result of gender-based discrimination only, so also can a problem be perceived as resulting from racial discrimination only. Thus, an issue that disproportionately affects racially marginalized women may not be regarded as gender discrimination. Here, race or some other distinction may determine which women are subject to discrimination, but the problem may not be understood to reflect discrimination against women.

D. Types of intersectional subordination

Targeted Discrimination

Intersectional subordination sometimes results from abuses that are specifically targeted at racialized women. This can occur in the context of armed conflict and can be illustrated by recent events in countries such as Bosnia, Burundi, Colombia, East Timor, Kosovo, Rwanda and Sri Lanka. Here conflicts have been motivated by ethnically based acts of aggression in which women have been targeted and become victim of ethnically-motivated gender-specific forms of violence. In some cases women were deliberately impregnated to dishonour an ethnic group; in other cases women were sexually mutilated to make them incapable of reproduction. Rape and other forms of sexual violence have also been used as an instrument of genocide against particular racial or ethnic groups.

Incidents of racially motivated sexual abuses, including rape and other crimes, are sometimes preceded by another manifestation of intersectional targeted oppression: the propagation of explicitly raced and gendered propaganda directed against ethnic women, which frequently seeks to justify sexual aggression. For example, in Rwanda, racial and gender stereotypes fuelled gender-specific attacks on Tutsi women which formed part of the genocide.

Sexualized propaganda targeted at racialized women may also contribute to their political subordination, particularly in contexts relating to reproductive policies and social welfare. Justifications for policies and actions that compromise the reproductive rights of poor and minority women such as sterilization, forced birth control policies, and the imposition of economic penalties and other disincentives for childbearing are sometimes premised on stereotypical images of poor and ethnic women as sexually undisciplined.

Compound Discrimination

Women are sometimes subject to discrimination because of their gender roles, and because they are members of racial or ethnic groups. This constitutes compound discrimination. For example, women may be excluded on the basis of race from jobs designated for women; at the same time, they may be excluded from jobs reserved for men. In effect, these women are specifically excluded as minority or ethnic women because there is no role for applicants with their particular ethno-racial and gendered profile. Women affected by compound discrimination may find that there are few avenues of challenge: they must bring claims on the basis of racial discrimination or discrimination on the basis of sex; they cannot challenge the compound discrimination resulting from the intersection of these forms of subordination.

For example, in some workforces, particularly those that are gender and race-segregated, racialized women may encounter compound discrimination because women are hired typically for clerical positions; while male members of racial or ethnic

minorities are hired for manual work. In such instances, racialized women experience discrimination on the basis of race because the designated women's work is not perceived as appropriate for racialized women. They also experience discrimination on the basis of sex because the work designated for racialized men is deemed inappropriate for women.

Structural Discrimination

Structural intersectional subordination occurs where policies intersect with underlying structures of inequality to create a compounded burden for particularly vulnerable women. Gender discrimination may occur within a setting in which some women are vulnerable because of their race and/or class backgrounds. In other circumstances, a particular policy, practice or individual act driven by racial, ethnic or some other form of bias may operate in the context of a gendered structure and affect women (and sometimes men) in a unique way.

For example, policing policies and practices may discriminate against racialized communities. Women in such communities may be drawn into criminal activities as a consequence of their relationships with men. For example, some women may be coerced into non-violent crime in support of the criminal activity of their partners. Courts frequently fail to recognize this coercion as a mitigating factor in criminal trials and sentencing, and may determine that this form of criminal activity, particularly if it involves women, is deserving of a strong response. Here, while their male counterparts may be much more involved in criminality and may also have access to information allowing them to negotiate for lower sentences, racialized women may be given harsher sentences. Incarcerated racialized women may also have less access to services than incarcerated racialized men. Such women may experience forms of gender discrimination in prison, which range from overpolicing to sexual abuse.

These criminalization patterns reflect structural discrimination in that the racialized targeting of racially marginalized communities constitutes a dynamic which intersects with the gendered relationship of women to men.

Another example of structural intersectionality results from the overlapping effects of background structures that interact with a policy or some other decision that creates burdens that are disproportionately affect marginalized women. What distinguishes this intersectional problem from the examples above is that the policy in question is not in any way targeted toward women, or toward any other marginalized members of the community; it simply intersects with other factors to create a subordinating effect. Examples of this kind of subordination can be illustrated by the burdens placed on women by structural adjustment policies within developing and transitional economies. Disparities in financial and material resources generated by increasingly austere public spending have transferred the costs of social protection, social security, and welfare from the public sector to the household. The combination of dwindling public sector support and the intensification of poverty have pushed low income women and their children into what is called the "feminization" of poverty. Studies have shown that while structural adjustment programmes have an adverse effect

on women in general, they are particularly burdensome for poor women. Because of historic patterns of racial subordination, these women often belong to racially marginalized groups.

E. Sites of intersectional discrimination

Intersectional subordination occurs in many contexts, but racialized women can be affected adversely by certain policies, global trends, and institutional circumstances.

Multiculturalism

The Expert Group Meeting recognized the importance of the development of multicultural societies and the role of antiracist policies, programmes and strategies that respect the rights of different collectivities in society. However, it cautioned against the risk of gender discrimination within a specific cultural community. The Group was concerned about the potential for misuse of racial equity policies (multi-culturalism) which purport to embrace tolerance on the basis of cultural difference. It was particularly concerned that simplification of multiculturalism may result in cultural relativism.

Often, community leaders seek to de-legitimize women's demands as 'western' and therefore 'alien' to the norms of the community. Like all women, women from particular racial or ethnic groups may wish to challenge certain aspects of their cultural or religious traditions which are harmful to them, such as arranged marriages or abuse within the family. However, these women may be denied the right to do so both because the State may accommodate the patriarchal and discriminatory practices of the community. In these cases, the fundamental human rights of minority women remain unmet as the State seeks to be 'culturally sensitive and tolerant' to community values, but, in so doing, denies individual rights and protections to women of such minority groups. The danger inherent in this approach is that it accommodates the application of differential standards of human rights to those who are in greater need of State protection by virtue of their vulnerability and powerlessness within minority communities and in society at large.

Criminal justice

The Expert Group Meeting discussed the increase in the rates of incarceration of racialized women in industrialized and developing societies. Incarceration policies have been addressed by racial justice advocates but this advocacy has focused predominantly on men. In many countries, racialized women, including indigenous women, represent the fastest growing segment of the prison population.

Further, women in prison tend to suffer multiple oppression. Many have experienced violence and other forms of abuse that contributed to their circumstances leading to their incarceration. Most are low income, and, unlike racialized men who may have been convicted of violent crime, many have been incarcerated for non-violent

offences, such as welfare fraud. All women, and particularly racialized women, are more likely to be subject to custodial rape by police and other criminal justice personnel. They also run the risk of gender discrimination in the judicial process. Because the majority of female inmates are mothers, the effects of the increase of female incarceration will have long-term cumulative adverse effects.

Women who enter a country as domestic workers or illegally may be at greater risk of detention and are therefore vulnerable to sexual and physical abuse in that context. Immigrant domestic workers who become victims of rape can become re-victimized when they seek justice, as law enforcement personnel and judicial authorities may prefer to protect their male citizens, rather than the victim. In some situations, domestic workers who have been sexually assaulted have found that they are perceived as the offender, and have been incarcerated and put on trial. This can be particularly problematic when the penalties for illicit sexual relations are high.

Racialized women are often in situations that put them at risk of violence and abuse by police patrols. Migrant women workers may be subject to detention and often faced unwanted strip searches and/or sexual abuse and deportation at State borders. In these cases, the country of origin, as well as the country of destination may be unwilling to take responsibility for state violations perpetrated on these women.

Population Movements

The Expert Group Meeting drew attention to the critical and close relationship between the movement of people and all forms of discrimination, especially racial discrimination. Immigrant and refugee women are particularly vulnerable to discrimination on the basis of gender, as well as race. They also face particular obstacles because of language and class factors. The new trends in global capitalism led to the increase of female migration in the past decade. Parallel to this, restrictive migration policies sometimes reflecting anti-racism sentiments. Such policies are not only based on existing racist stereotypes, but may also lead to the emergence of new forms of steretoypes, for instance "Islamophobia" or other forms of construed cultural discrimination men.

An increasing number of migrant women are found in the service sector, including domestic work and the entertainment sector. Even in those countries where provisions exist to ensure the fair treatment of domestic workers, they may at the same time bind the worker to a particular type of employment and sometimes to a particular employer. In these cases, it is not uncommon for women migrant workers to lose their residence status on termination of their contracts with individual employers and to become illegal immigrants.

Dependence on the employer, isolated working conditions, long working hours and low payment and social isolation make migrant women workers very vulnerable to violence, including from their employers or their families.

Racism within the dominant culture makes it more difficult for immigrant women to confront gender discrimination within their own communities as immigrant communities frequently exert more pressure on women to maintain their traditional roles and to preserve patriarchal norms as "binding" elements for their community as a response to racism. In addition, racism may lead to an increased need for identification and solidarity with the community. Racialized women who suffer abuses or culture-specific forms of violations of their rights within their communities may also remain silent for fear of exclusion from those communities or because they know that they will be perceived as supporting racist ideas.

Gendered forms of racism, such as the depiction of immigrant women in the public and the media as "backward", "in need of help" or "un-emancipated" are significant obstacles. For instance, immigrant women from Muslim societies are often denied their rights to divorce, custody or protection from domestic violence by judicial authorities or the police based on the prevalent racist prejudice that they would lack such rights in their "culture". These perceptions may also influence decisions-makers in claims by such women for refugee status and thereby compromise their opportunities for protection from well founded fear of persecution.

Trafficking

The Expert Group Meeting noted that trafficking in women has increased particularly in the context of the collapse of the Soviet Union, the widening gap between North and South and the financial and economic crisis in Asia.

Women have been especially affected by these economic and social changes as they bear the main burden of reproductive responsibilities of families. Further, they may not have the same opportunities in the labour market and may not fully enjoy the same access to education as men. These factors promote the demand of women to migrate to work. This makes them vulnerable to recruitment by traffickers, who often work within informal or emotional relationships. Criminal networks of traffickers also take advantage of the vulnerabilities of women, and the absence of avenues of legal migration, resulting from restrictive migration policies to exercise control over their victims and frequently trap women into forced labour and/or slavery-like practices.

Armed Conflict

The Expert Group Meeting expressed its concern about the grave human rights abuses faced by women in armed conflict, including systematic rape, forced pregnancy, sexual abuse and sexual slavery. The meeting particularly noted the vulnerability of racialized women to targeted violence in the context of ethnically motivated conflict. Women of discriminated or persecuted ethnic groups also deserve special attention, as they are the fastest growing group of refugees and internally displaced people

Health

Gender discrimination frequently interacts with other forms of discrimination, including racial discrimination to deny racialized women their right to health. Population policies may be informed by racial considerations which encourage women to reduce or increase their birth rates. Women from particular ethnic or racial groups may be coerced or forced to use contraceptive methods, including sterilization. They may also be coerced or forced into multiple pregnancies in order to ensure survival of the group.

Racial differentiation also exists with respect to maternal and child mortality, with indigenous women in some countries experiencing higher maternal mortality than women of other groups. Indigenous and minority women may also be the subjects of clinical trials, often without their knowledge or fully informed consent. This is particularly in the case of reproductive health products and with respect to HIV/AIDs treatments. In this latter case, racialized women may be used to trial experimental drugs. When such drugs are eventually marketed, racialized women are unlikely to have access to them because of their prohibitive cost.

Women and the Economy

The Expert Group Meeting emphasized that minority, immigrant and indigenous women in developed countries, as well as women in developing nations, have limited employment opportunities. Many of these women hold jobs in free trade zones, the informal economy or unregulated sectors that operate in parallel to more formalized and protected sectors.

Export processing zones (EPZs) have a high concentration of immigrant women and attract multinational corporations that are exempt from many administrative and fiscal requirements, as well as statutory regulations protecting workers. Some countries have even promulgated special labour laws for EPZs, setting up more obstacles against unionization of workers than exists in the national economy.

Even in the formal economy, racialized women have fewer opportunities. For instance, the Special Rapporteur on racial discrimination has found that Black women in Brazil "receive the lowest salaries (four times lower than those of a white man), are employed in the most unhealthy locations, work a triple working day and face threefold discrimination".

IV. RECOMMENDATIONS

The Expert Group Meeting indicated that international treaties, including the International Convention on the Elimination of Racial Discrimination (ICERD) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and national laws and regulations are designed to provide extensive protection against all forms of discrimination. So there is no need to develop any additional instruments to protect the rights of the victims of intersectional discrimination.

However, the United Nations approach to discrimination addressed specific categories of discrimination, rather than taking a holistic approach. At the national level the interpretation of discrimination has also been narrow, capturing only one form of discrimination, and avoiding its intersection with other forms.

Therefore, the meeting agreed that there is an urgent need to develop an intersectional methodology, named by the experts as a "protocol", to identify intersectional discrimination and its effect on women and girls. Additionally this methodology should be designed to uncover ways in which various structures of subordination converge to the disadvantage of women and girls in both public and private life, and should also establish legal instruments for remedies and redress.

The Expert Group Meeting adopted recommendations directed at Governments and the United Nations system. These recommendations were not considered to be exhaustive, but rather were regarded as illustrative as to how Governments and the United Nations system can address intersectional discrimination. Recommendations were also addressed to the forthcoming Third World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which will take place in Durban, South Africa, from 31 August to 7 September 2001.

To Governments

The Expert Group Meeting recalled that, as stated in human rights documents, the ultimate responsibility for the respect, protection, promotion and fulfillment of the human rights of all individuals and groups lies with the State.

The meeting recommended to:

- Examine the intersection of race and gender in order to develop and implement strategies aimed at the elimination of gender-based racial discrimination. Design, with the full participation of women and implement and monitor all anti-racist policies as gender-sensitive.

- Review all Governmental policies and laws including those on citizenship, nationality and immigration, for their impact on the elimination of all forms of discrimination and the achievement of gender equality with particular reference to marginalized women.

- Establish and/or strengthen legislation and regulations against all forms of racism, including its gender-specific manifestations.

- Noting the difficulties women face in challenging multiple or compound discrimination, review national mechanisms to ensure that women can seek protection and remedies against intersectional discrimination based on race and gender.

- Provide financial and other resources for anti-racist and gender-sensitive training for the judiciary, police and relevant governmental officials and personnel to increase their sensitivity to racial discrimination in a gender specific manner.

- Develop special training programmes to eliminate any racist and sexist stereotypes and prejudices among officials and staff most frequently in contact with marginalized women, such as labour officials, teachers, health professionals, immigration authorities, policemen, judges and other law enforcement officials.

- Encourage educational institutions to adopt policies of equal opportunities, and monitor their implementation with the participation of teachers, parents and boys and girls, and establish measures to address the interaction between racist and sexist prejudice and stereotypes.

- Ensure the implementation of International Labour Organization conventions on equal treatment and non-discrimination in the field of labour standards and social security.

- Design and implement policies and measures to criminalize trafficking, punish traffickers, and empower trafficked persons to regain control over their lives, including through special protection measures for women who wish to escape from traffickers (such as sheltered housing and special residence permits), and social inclusion programmes providing access to training and employment opportunities.

- Design anti-trafficking campaigns in a way as to avoid negative stereotyping of marginalized women and the dissemination of sexist/racist prejudice and prejudice.

- Design policies and implement practices that provide "safety net" benefits for poor and disadvantaged women.

The meeting agreed on the need for scrutiny and rethinking of immigration and refugee laws and policies at the international, regional and national levels.

The meeting recommended to:

- Review and repeal of all legislation and policies on immigration that result in any forms of discrimination against immigrant women.

- Provide full access for women within immigration communities to transparent, open and effective investigative and prosecutorial machinery to seek redress for violations of international human rights laws.

- Provide immigrant women and women who have no legal immigration status with full and equal access to all the resources and preventative measures against violence available to other women in the community, as well as access to appropriate interpretation and support facilities.

- Develop policies and programmes, including quotas, to increase participation of immigrant women in decision-making, in particular at the local level.

- Ensure priority and adequate funding for NGOs that work specifically with immigrant women at the international, regional and national levels.

The meeting noted with concern the increasing rate of female incarceration, especially among marginalized groups of women.

The meeting recommended to:

- Increase resources for education and training of incarcerated marginalized women.

- Ensure the protection of fundamental rights of incarcerated marginalized women including reproductive rights, hygiene, access to legal advice and services, and the right to have dependent children join them.

- Urged these States which have not yet done so to ratify or accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) so that it may quickly enter force.

The meeting observed that the risk of discrimination on multiple grounds such as race, ethnicity, gender and class has increased with the feminization of migration

The meeting recommended to:

- Educate migrant women about their rights and ensure their access to all means of redress against all types of discrimination in all spheres of public and private life.

- Ensure respect for the social and economic rights of women migrant-workers, including those working in informal sector and domestic workers, on matters such as pay, annual and maternity leave, social security and protection.

- Provide and ensure access for migrant women to education and training as well as to income-generating activities.

- Promote sustained measures to ensure that migrant women who have been victims of gender-based crimes, such as rape and other forms of violence, including domestic violence, forced prostitution and trafficking, are granted adequate legal protection and support.

- Design health policies and training programmes for healthcare professionals to promote understanding and respect for different cultural backgrounds and personal experiences relating to health, disease, sexuality, pregnancy and childbirth; educate

and train healthcare professionals to deal with the specific health needs of migrant women.

- Elaborate and implement policies and programmes that guarantee the full enjoyment of all human rights for all indigenous and tribal people, with special focus to the specific needs of indigenous and tribal women.

To the United Nations system

The meeting emphasized that United Nations approaches to the elimination of discrimination generally continue to address specific categories of discrimination, rather than taking a holistic approach.

The meeting recommended to:

- Develop new methodologies to identify the ways in which various forms of discrimination converge and impact on women and girls.

- Develop reporting and evaluation tools could capture the effects of multiple forms of discrimination, including gender and racial discrimination.

- Ensure the development of systems that allow for the collection of data disaggregated by race as well as sex.

- Mainstream an intersectional analysis of various forms of discrimination, including racial and gender discrimination, into the design and implementation of policies and programmes of the United Nations system in social, economic and political domains.

- Carry out an internal audit in order to determine the allocation of financial and human resources for development and implementation of specific policies and programmes to address the issues of intersectional discrimination, including such factors as age, race, ethnicity, disability and gender.

- Develop programmes and policies to sensitize and raise awareness among UN officials to the issue of intersection of gender and race discrimination and its impact on women and girls, as well as to the magnitude of the problem.

The Expert Group made specific recommendations to the Office of the High Commissioner on Human Rights. It recommended to:

- Take a proactive role in ensuring that women belonging to racial and ethnic minorities be fully protected in their enjoyment of all human rights –civil, political, economic, cultural and social rights, including the right to development.

- The High Commissioner for Human Rights in her capacity as the Secretary General of- the UN World Conference against Racism, Racial Discrimination, Xenophobia

and Related Intolerance to ensure the incorporation of an intersectional analysis of gender and racial discrimination throughout the substantive preparations, proceedings and themes of the Conference.

- Mainstream an intersectional analysis of gender and race discrimination into the work of all mechanisms of the human rights system, including treaty bodies, commissions and the activities of the thematic and country-specific rapporteurs and working groups.

To the Security Council:

The expert group meeting welcomed the Security Council resolution 1325 (2000) on women in armed conflict that recognized that the vast majority of those affected by armed conflict are women and children and the importance of involving women in the prevention and resolution of conflict.

The meeting recommended to:

- Ensure the effective implementation of the resolution with particular attention to women from marginalized groups.

- Include representation of marginalized women such as indigenous women, Roma women, Dalit women and others, in peace negotiations as well as in negotiations regarding conflict and post-conflict resolution.

To the Commission on the Status of Women

The meeting recommended to:

- Incorporate the intersectional analysis, in particular analysis of race and gender discrimination into substantive work of the Commission on the Status of Women regarding the follow-up to the special session and further implementation of the Beijing Platform for Action. Such analysis should recognize and address other forms of discrimination, including age, sexual orientation, disability and class, and its impact on women and girls.

- Promote the intersectional analysis of race and gender discrimination and its impact on women and girls into the work of other functional commissions, especially into the review process of implementation of other UN conferences.

- Focus during the upcoming discussion on women and AIDS at its forty-fifth session in March 2001, on the racial as well as gender aspects of HIV/AIDS pandemic, and elaborate the relevant policy recommendations.

To the United Nations human rights treaty bodies and special mechanisms

Noting the interdependence of United Nations human rights mechanisms, the meeting suggested that treaty bodies, in particular the Human Rights Committee (HRC), the Committee on Economic Social and Cultural Rights (CESCR), the Committee on the Elimination of Discrimination against Women (CEDAW), the Committee on Racial Discrimination (IICERD), the Committee against Torture (CAT) should call for a substantive analysis of violations occurring at the intersection of gender and race.

The meeting recommended that the Committee on the Elimination of Discrimination against Women:

- Develop general recommendations that address how women and girls experience discrimination based on racism, related intolerance and other identities.

- Ensure that the intersection of gender and race discrimination is acknowledged, investigated and addressed while considering the reports of States parties.

The meeting recommended that:

- The CEDAW and the ICERD should increase information sharing, cross-referencing and consider joint consultations, and producing joint recommendations.
-
- A meeting to be convened between the CEDAW and ICERD to discuss the impact of multiple forms of discrimination on women.

- The Division for the Advancement of Women, (DAW) should organize a consultation with members of each of the United Nations treaty bodies to discuss methods of intersectional analysis of various forms of discrimination.

- Complaints under each complaint submitted under international human treaties, e.g., ICCPR, ICERD, CEDAW, should be examined to reveal the extent and scope of racial and gender discrimination, and treaty bodies considering such complaints should ensure that suggested remedies for violations integrate a race and gender perspective.

- Treaty bodies and other human rights institutions should recommend collection of data disaggregated by sex and race to determine the extent to which women are subject to intersectional discrimination.

- The Committee on the Elimination of Racial Discrimination should ensure that a gender perspective is incorporated into its work under its early warning and urgent action procedures and in its general recommendations.

- The Special Rapporteurs and other non-conventional human rights mechanisms analyze the patterns of violations of human rights taking into consideration the intersection of gender and racial discrimination.

The meeting particularly recommended:

- Consideration of the appointment of a UN Special Rapporteur on Race and Gender to collect, in a comprehensive and holistic manner, the relevant data and information on intersectional discrimination against women with the following submission to the appropriate complaint and reporting mechanisms.

To the World Conference against Racism, Racial Discrimination, Xenophobia and related Intolerance

The meeting recommended that:

- The forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and related Intolerance that would be held in South Africa from 31 August to 7 September 2001 and the International Year of Mobilization against these ills would pay specific attention to the issues of gender in considering its themes, and take into consideration the intersection of gender and racial discrimination and provide action-oriented recommendations in this area.

- The conclusions and recommendations of this expert group meeting will be available in all official languages of the United Nations and included in all preparatory meetings for the World Conference.

The meeting also recommended to:

- Ensure the equal participation of women whose lives are directly impacted by racism, racial discrimination, xenophobia and related intolerance including indigenous, migrant, refugee and internally displaces women, women of colour, Roma and Dalit women, in the preparatory process and Conference itself.

- Ensure the full participation of representatives from DAW, UNIFEM and INSTRAW, as well as from other specialized UN agencies working in the area of advancement of women and gender equality, at all stages of the preparatory process for the World Conference

- Establish a permanent follow-up mechanism within the Office of the High Commissioner for Human Rights to coordinate, monitor and evaluate programmes to combat racism, racial discrimination, xenophobia and related intolerance in a gender-sensitive way, including the implementation of the final outcome of the World Conference.

ANNEX I

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ANNEX II

LIST OF DOCUMENTS

A. WORKING PAPERS

EGM/GRD/2000/WP.1 *Gender-related aspects of race discrimination*
Prepared by Kimberlé Williams Crenshaw, Professor of Law

EGM/GRD/2000/WP.2 *Gender and race discrimination*
Prepared by the Division for the Advancement of Women

B. PAPERS BY EXPERTS

EGM/GRD/2000/EP.1 *Gender and racism from caste discrimination (On the basis of descent, occupation, human right violation)*
Prepared by Ruth Manorama, General Secretary, Women's Voice Organization (India)

EGM/GRD/2000/EP.2 *Racial discrimination and violence against migrant women: traffic in women in Europe from the perspective of NGOs.*
Prepared by Babel Uhl, Political Scientist, General Secretary, Federal Association Against Traffickers of Women (Germany)

EGM/GRD/2000/EP.3 *Gender and national/race discrimination in global and regional context: NIS Countries.*
Prepared by Marina Malysheva, Deputy Director of the Moscow Center for Gender Studies (Moscow)

EGM/GRD/2000/EP.4 *Domestic violence, racism and the politics of multi-culturalism: the importance of managing intersectionality in struggles for women's equality.*
Prepared by Pragna Patel, Community/Case Worker, Southhall Black Sisters, (London)

EGM/GRD/2000/EP.5 *Racism, gender and immigrant women.*
Prepared by Pinar Ilkkaracan, Adjunct Professor, Bosphorus University (Turkey)

EGM/GRD/2000/EP.6 *Double discrimination of Roma women*
Prepared by Nicoleta Bitu, Human Rights Advanced Leadership Training for Women Network Women Program of the Open Society Institute (Romania)

EGM/GRD/2000/EP.7 *Distributive justice issues and the construction of state interests re: women of colour*
Prepared by Marsha J. Darling, Director, Center for African-American and Ethnic Studies, Adelphi University (U.S.A)

EGM/GRD/2000/EP.8	*Ethnic nationalism in the region: its impact on the legal and social status of women.* Prepared by Vesna Kesic, Expert (Croatia)
EGM/GRD/2000/EP.9	*Dimensions magnitudes and effects of racism on the vulnerable women* Prepared by Vera Mlanga Chirwa, Executive Director of Malawi CARER, African Commission on Human & Peoples' Rights (Malawi)
EGM/GRD/2000/EP.10	*Strategies for creating remedies using a rights based approach* Prepared by Krishanti Dhamaraj, Executive Director, Women's Institute for Leadership Development for Human Rights (WILD) (Sri Lanka)
EGM/GRD/2000/EP.11.	*Notes towards a "politics of recognition" in à reconceptualized international human rights framework* Prepared by Celina Romany, Attorney at Law (Puerto Rico)
EGM/GRD/2000/EP.12	*Race gender intersections: CERD and South African experiences* Prepared by Nozipho Bardill (South Africa)

C. PAPERS BY OBSERVERS

EGM/GRD/2000/OP.1	*Race, racism and class. New perspectives lessons and emerging challenges* Prepared by Elizabeth Delport, Commissioner of the South African Commission o on Gender Equality
EGM/GRD/2000/OP.2	*Gender and racism: the challenges of complexity* Preapared by Chiara Ingrao, Department for Equal Opportunities (Italy)

C. BACKGROUND PAPERS

EGM/GRD/2000/INF.1	Aide Mémoire
EGM/GRD/2000/INF.2	Preliminary programme of work
EGM/GRD/2000/INF.3	Information note for participants
EGM/GRD/2000/INF.4	Provisional list of participants
EGM/GRD/2000/INF.5	List of documents

ANNEX III

PROGRAMME OF WORK

Monday, 20 November 2000

8:00 – 10:00 p.m.	Registration of Participants Informal meeting "get together"

Tuesday, 21 November 2000

8:30 –9:30 a.m.	Registration of Participants
10:00 – 10:45 a.m.	Opening Statements: - Statement by Representative from the host country - ***Ms. Zeljka Antunovic, Deputy Prime Minister*** - ***President, Commission for the issues of Gender Equality*** - Division for the Advancement of Women - ***Ms. Yakin Ertürk, Director*** - Office of the High Commissioner for Human Rights - ***Ms. Madeleine Rees*** - United Nations Development Fund for Women - ***Ms. Roxanna Carrillo*** - Chair of the Commission on the Status of Women - ***Ms. Dubravka Simonovic***
10:45 – 11:00	Election of Officers: - Adoption of Programme of Work
11:00 – 11:15 a.m.	Coffee break
11:15 a.m. – 1:00 p.m.	Presentation of background papers: - Chief of Human Rights, DAW - ***Ms. Jane Connors, Chief, Women's Right Unit*** - Presentation of background paper by the Consultant - ***Ms. Kimberlé Crenshaw, Professor of Law*** - General Debate
1:00 – 2:30 p.m.	Lunch
2:30 – 4:30 p.m.	Presentation of papers by experts ***[It is proposed that presentations would not exceed 15 minutes each]*** *Distribute justice issues and the construction of state interests re:*

Women of Color. Prepared by Marsha Darling, Center for African-American and Ethnic Studies, Adelphi University (U.S.A)

Notes towards a "politics of recognition" in a reconceptualized international human rights framework . Prepared by Celina Romany, Attorney at Law (Puerto Rico)

Racism, gender and immigrant women. Prepared by Pinar Ilkkaracan, Adjunct Professor, Bosphorus University (Turkey)

Gender and National/Race Discrimination in Global and Regional Context: NIS Countries. Prepared by Marina Malysheva, Deputy Director of the Moscow Center for Gender Studies (Moscow)

Domestic violence, Racism and the politics of multi-culturalism: the importance of managing intersectional in struggles for women's equality. Prepared by Pragna Patel, Community/Case Worker, Southhall Black Sisters, (London)

Racial Discrimination and Violence against Migrant Women: Traffic in Women in Europe from the Perspective of NGOs. Prepared by Babel Uhl, Political Scientist, General Secretary, Federal Association against Trafficking of Women (Germany)

4:30 – 4:45 p.m. Break

4:45 – 6:00 p.m. Presentation of papers by experts and observers
[It is proposed that observers who have prepared written papers be given an opportunity to make oral presentations, not to exceed five minutes].

Ethnic nationalism in the region: its Impact on the Legal and Social Status of Women. Prepared by Vesna Kesic, Expert (Croatia).

Dimensions magnitudes and effects of racism on the vulnerable women. Prepared by Vera Mlanga Chirwa, Executive Director of Malawi CARER, African Commission on Human & Peoples' Rights (Malawi)

Gender and Racism from Caste Discrimination (On the basis of Descent, Occupation, Human Right Violation)
Prepared by Ruth Manorama, General Secretary, Women's Voice Organization (India)

Double Discrimination of Roma Women
Prepared by Nicoleta Bitu, Human Rights Advanced Leadership Training for Women Network Women Program of the Open

Society Institute (Romania)

Strategies for creating remedies using a rights based approach.
Prepared by Krishanti Dhamaraj, Executive Director, Women's Institute for Leadership Development for Human Rights (WILD) (Sri Lanka).

Race gender intersections: CERD and South African experiences.
Prepared by Nozipho Bardill, Commission on Elimination of Racial Discrimination (South Africa)

Gender and racism: the challenges of complexity.
Preapared by Chiara Ingrao, Department for Equal Opportunities (Italy)

Statement of the Human Rights Caucus to the Expert group Meeting delivered by Ms. Jamna Chlala, Ms. Maria Hermina Graterol, Women's Human Rights Caucus for the third World Conference.

7:30 p.m. Reception/Dinner

Wednesday, 22 November 2000

9:00 – 9:30 a.m.	Discussion and formation of working groups
9:30 a.m. – 1:00 p.m.	Working groups
1:00 – 2:30 p.m.	Lunch
2:30 – 6:00 p.m.	Working groups

Thursday, 23 November 2000

9:00 – 10:00 a.m.	Reconvene in Plenary
10:00 a.m. – 1:00 p.m.	Working groups
1:00 – 2:30 p.m.	Lunch
2:30 – 3:30 p.m.	Working groups
3:30 – 6:00 p.m.	Presentation of reports of working groups

Friday, 24 November 2000

9:00 – 11:00 a.m.	Discussion of report of expert group
11:00 – 11:30 a.m.	Break
11:30 a.m. – 2:00 p.m.	Discussion of report of the expert group
12:45 – 1:30 p.m.	Adoption of report
1:30 p.m.	Closing session
2:00 p.m.	End of meeting

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WORLD CONFERENCE AGAINST RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE

Preparatory Committee
Second session
Geneva, 21 May-1 June 2001
Item 6 of the provisional agenda

REVIEW OF REPORTS, STUDIES AND OTHER DOCUMENTATION FOR THE PREPARATORY COMMITTEE AND THE WORLD CONFERENCE

Note by the Secretary-General

The Secretary-General has the honour to transmit the study prepared by Mr. Glèlè-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, on the issue of political platforms which promote or incite racial discrimination, pursuant to Commission on Human Rights resolution 2000/14 (para. 31).

GE.01-12986 (E)

Annex

POLITICAL PLATFORMS WHICH PROMOTE OR INCITE RACIAL DISCRIMINATION

Study prepared by Mr. Glèlè-Ahanhanzo

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V.	INTERNATIONAL NORMS AND LEGAL MEASURES ADOPTED BY SOME GOVERNMENTS	57 - 71	13
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Introduction

1. The present report is submitted pursuant to Commission on Human Rights resolution 2000/14 (para. 31) of 17 April 2000, whereby the Commission on Human Rights requested the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to examine the issue of political platforms which promote or incite racial discrimination and to submit recommendations thereon to the Preparatory Committee for the World Conference against Racism, Racial discrimination, Xenophobia and Related Intolerance at its second session.

2. The report does not purport to be an exhaustive study of the racist political scene worldwide, but rather intends to give an overview of the main features of extreme-right parties and organizations based on current available sources.

3. Throughout the past decade, extreme-right, racist political parties and organizations have gained increased popularity and influence in several regions of the world[1]. Their presence is most strongly noted in Western and Eastern Europe, Latin America, the United States, Australia and Israel, where they have entered and gained influence in the political mainstream of those countries and regions. Beside the existence of the traditional extreme right in some countries, the rise in popularity of racist political parties has been linked to pressures generated by economic problems, globalization and immigration. They seem to flourish wherever there is economic and/or governmental instability accompanied by a perceived threat from increased immigration of migrant workers, refugees and asylum-seekers. Taking advantage of, and very often instigating or creating, these times of heightened tension and instability, extreme-right political parties adopt nationalistic, xenophobic and racist political platforms.

4. A recent cross-national study of the ideology of extreme-right political parties and organizations in Western Europe revealed that such parties and organizations tend to have a similar ideological core:[2]

(a) Racism and racial discrimination. Racism is a feature of the extreme right, advocating the purity of the "white race" and "white supremacy" is a common denominator among these entities; they also often demonstrate a strong inclination to anti-Semitism;

(b) Ultra-nationalism. All such parties advocate, as their core ideology, the promotion of a monocultural nation State through repatriation or assimilation of non-nationals; they also promote "national preference" in economic and social life, especially in the job market;

(c) Xenophobia. Most extreme-right parties play on the heightened fears of voters that their country is being invaded by foreigners who are stealing jobs (and thereby creating unemployment), committing crimes, debasing the moral structure and spreading disease;

(d) Economy. Many extreme-right parties and organizations espouse a welfare-chauvinist economic ideology, and believe that all or most national welfare provisions should be prohibited to non-nationals.

Thus, in order to recruit voters who are fearful of losing their status in society, extreme-right parties use immigrant and minority populations as scapegoats, portraying them as freeloaders who drain welfare services and are incapable of assimilation.

5. The following listing is merely a survey of the latest developments pertaining to extreme-right political parties in countries which have received the greatest amount of coverage and observation. This report does not list every extreme-right party in every country and region.

I. EUROPEAN AND OTHER COUNTRIES

6. The increase in the number of votes gained by extreme-right parties in Western and Eastern Europe is said to be linked to social and economic changes that have been taking place across Europe for the past decade. Social changes, such as increased immigration of people from culturally "different" countries and the effects of globalization, have caused many Europeans to feel a loss of cultural identity. West Europeans perceive a further threat to their cultural identities from the process of integration following the emergence of the European Union (loss of national sovereignty through the future use of a single currency and loss of control over national economic policy). And economic changes, such as increased unemployment throughout Europe, the perceived threat from immigrants ("job competition" and the "exploitation of social services") and the effects of globalization have created a sense of economic insecurity. In the past decade, extreme-right political leaders have been manipulating these fears and uncertainties, presenting themselves as people's only hope for change.

7. To date, extreme-right parties in Eastern and Western Europe have been only moderately successful. However, extreme-right parties across Europe have begun to work together and to develop plans for a coordinated campaign through the organization of the European National Union, which contains parties from both the East and the West. Furthermore, as globalization patterns continue, immigration fears remain high and the European Union issue becomes more pertinent, many political commentators believe that we will see a rise in the popularity of extreme-right groups throughout Europe.

Austria

8. Austria is the country that houses Europe's most popular extreme-right political party. In recent years, the extreme-right Freedom Party (FPO), headed by Joerg Haider, gained considerable popularity and it became Austria's second-largest party in the Austrian Parliament in 1999. The FPO is characterized by its xenophobic, racist, anti-Semitic, anti-European Union and anti-globalism political platform. The FPO's sharp rise in popularity during the past decade is attributed to its anti-immigrant propaganda and to the public's growing frustration with Austria's other two major parties, the Social Democrats and the People's Party. The FPO's political campaign contained promises to curtail globalization and to stop immigration and "abuses of the welfare system by illegal immigrants". According to Haider, immigrants take jobs away from Austrians and increase crime rates. During his 1999 campaign, Haider used poster slogans such as "Stop the foreign infiltration" and "Stop the abuse of asylum". Additionally, Haider regularly made racist statements concerning the criminal tendencies of African, Polish, Yugoslav, Turkish and Russian immigrants, and he has a long history of using Nazi terminology and legitimizing Hitler's policies in his speeches.[3]

9. In March 1999, Haider was re-elected as governor of the province of Carinthia. Furthermore, in the October 1999 general elections, the FPO came in second place, receiving 27.2 per cent of the popular vote. This means that one third of Austrian voters supported this extreme-right party, resulting in the FPO gaining 12 parliamentary seats so that it now holds 53 out of the total 183 seats in Parliament. Meanwhile, the Social Democrats (Austria's leading party) recorded their smallest lead since the Second World War. Many commentators have criticized the other major political parties for not taking a strong stance against the FPO's racist platform.[4]

10. In 1997, the FPO received 28 per cent of the votes in the elections to the European Parliament, so that it came in third place behind the People's Party (29.6 per cent) and the governing Social Democratic Party (29.1 per cent). However, in the June 1999 European Parliament elections, the FPO's percentage of the vote was reduced to 23.5 per cent. Perhaps because of the success of the FPO, Austria has become a sort of gathering place for Europe's extreme-right political parties where they can develop plans for a coordinated Europe-wide campaign.[5]

Belgium

11. *Vlaams-Blok* is an extreme-right political party based in Flanders that campaigns with the slogan "Our People First" and has conducted anti-immigration campaigns during recent elections.[6] *Vlaams-Blok* managed to gain 7.5 per cent of the votes in the 1995 elections and today it gets the greatest number of votes (28 per cent) in Antwerp, Belgium's second-largest city where a majority of Turkish immigrants live. *Vlaams-Blok* also wants to establish an independent, ethnically pure Flanders.

Czech Republic

12. Several extreme right-wing groups have been active in the Czech Republic since around 1990 (there are 5,000-6,000 estimated skinheads). They organize street parades, meetings and concerts and attack the Roma, Jews and foreigners both verbally and physically. These organizations also circulate racist publications.[7]

13. The National Alliance is an extreme-right group, and is a registered Czech civic association. Former Interior Minister Vaclav Grulich ordered the National Alliance dissolved but it has not been officially removed from the list of registered associations because it has appealed to the Constitutional Court.[8] The Interior Ministry rejected a request from members of the group to register a political party called the National Social Alliance. In June, a district court found the leader of the National Alliance, Vladimir Skoupy, guilty of racially motivated crimes. In particular, during several demonstrations he publicly denied the Holocaust, which is a crime in many European countries.

Denmark

14. In 1997, the Danish People's Party (DPP) gained 6.8 per cent of the votes nationwide. In 1998, the DPP's share of the votes rose to 7.4 per cent, increasing its representation in the Parliament to 13 seats.

France

15. The extreme-right, anti-immigrant, anti-Semitic, ultra-nationalist political party the National Front, headed by Jean-Marie Le Pen, increased its percentage of the votes from just 0.74 per cent in the 1970s to 15 per cent in 1997 and has become a powerful force in French politics. The National Front's tactic in recent years has been to support and form alliances with mainstream-right political parties in order to achieve an appearance of legitimacy and play down its extremist image.[9]

16. Le Pen has cited the large presence of Arab and North African immigrants in Southern France as the cause of high unemployment, which he claims could be instantly cured by deporting all immigrants. In 1998, the National Front collaborated with other European extreme-right groups such as the Democrats of Sweden (*Sverige-Demokraterna, SD*), which advocates an ethnically homogenous society and the exclusion of immigrants and refugees; the National Patriotic Union (*Isanmaallinen Kansallis Liitto, IKL*) in Finland; *Democratia Nacional* in Spain; the Hellenic Front in Greece; and the Union of the German People (*Deutsche Volksunion, DV*) in Germany.[10]

17. However, a power struggle erupted in 1998 between Le Pen and Bruno Mégret, the National Front's second-in-command, resulting in the party being split into two in 1999,with Le Pen still heading the National Front. The split occurred because of Mégret's desire to form alliances with the moderate right, whereas Le Pen wanted to retain the party's status as a national populist opposition force. The so-called moderate right wing of the National Front, headed by Mégret, is attempting to attract the party's supporters by putting forth a "more sensible and less racist platform". This split has knocked the National Front out of the European political arena because it is doubted that either faction can gain the 5 per cent of the vote required to maintain a presence in the European Parliament.

Germany

18. Extreme-right parties in Germany have not done nearly as well as their counterparts in countries like France and Austria during the past decade. In March 1998, they received so few votes in regional elections that they were barely even mentioned in the results. Although right-wing extremist violence has been on the rise in Germany,[11] extreme-right racist, xenophobic and nationalist political parties have not done well.

19. Nevertheless, many such parties are continually attempting to organize, although they are usually plagued by internal fighting and poor organization. Some have estimated that approximately 10-15 per cent of the German population is ready to vote to the right of established conservative parties if the right extreme-right party were to come along.[12] One far-right group that was organized in January 1998, the League of Free Citizens, is hoping to capture this percentage of the population.

20. In addition, the National Democratic Party, the most extreme right-wing party in Germany, was attracting hundreds of new members in Eastern Germany during 1998. Other extreme-right groups in Germany are the German People's Union (DVU), the Christian Social

Union (CSU), the Christian Democratic Union (CDU) and the Social Democratic Party (SPD). All of these groups speak harshly of Germany's foreign populations, calling for a halt to immigration and putting "German people's" interests before all others.

Hungary

21. In 1998, the MIEP Hungarian Justice and Life Party, led by Istvan Csurka, gained 14 seats in Parliament (out of 386), becoming the first extreme-right party to enter Parliament since the Second World War. In the 1998 local elections, the MIEP scored 5.09 per cent of the vote, with mayors elected in four districts. The MIEP's political platform was strongly anti-Europe and called for resistance to globalization and the expulsion of Roma from Hungary.[13] The party's leader, Istvan Csurka, is well known for his racist and xenophobic attitudes.[14] Furthermore, the Prime Minister of Hungary, Viktor Orban, has failed to condemn the MIEP's platform or distance himself from their far-right, anti-Semitic and anti-foreigner comments.[15]

Israel

22. Extreme-right organizations made a breakthrough in Israel political life in 1984 when Meir Kahane, the leader of the *Kach* - a party whose political platform called for the expulsion of Israel's Arab minority and also incited racial hatred of non-Jews - was elected to the *Knesset* (Parliament). In 1988, new anti-racist legislation (see below) barred the *Kach* from taking part in the elections. As a consequence of the murder of Meir Kahane, the influence of the *Kach* was further reduced. However, new extreme-right parties and organizations emerged and are taking an active part in the Israel political process. The *Moledet* (Homeland) and the National Union are two extreme-right parties that were able to gain seats in the *Knesset* or to participate in the Government.

Italy

23. The most notable extreme-right party in Italy is the National Alliance, which was established in 1994 and is headed by Gianfranco Fini who has toned down the party's extremist image in recent years in order to increase its public acceptance. The National Alliance receives roughly 15 per cent of the vote and controls 15 per cent of the Parliament. However, compared to other nationalist parties in Europe, the National Alliance is considered to be moderate.[16]

Norway

24. The Progress Party, a racist anti-immigrant extreme-right political party whose policies follow closely those of Austria's Freedom Party, increased its percentage of the vote to 15 per cent in 1997 and to 15.3 per cent in 1998 and gained 25 seats in Parliament. It is now the second-largest party in Norway.

Netherlands

25. *Centrumdemocraten* (CD) is a hard-core extreme-right anti-immigration party linked to far-right violence in the Netherlands. However, CD has virtually no representation in the Government and received only 1 per cent of the votes in the 1998 general election.

Portugal

26. In 1998, a political organization called *Orgulho Branco* (White Pride) disseminated racist statements against Africans and Gypsies. The *Frente de Direita Nacional* (FDN), which claims 5,000 members, *Acçao Fundacional Nacionalista* (AFN) and *Aliança Nacional* (AN), with 2,000 members, are also among the most important organizations in Portugal. There is also a violent skinhead movement made up of thousands of young Portuguese who often attack Africans and Roma.[17]

Romania

27. In Romania the leader of the *Partidul România Mare* (Party of Great Romania), Corneliu Wadim Tudor, won 30 per cent of the vote in the presidential election in December 2000. His party also won 28 per cent of the seats in the Parliament. The Party of Great Romania is well known for inciting to racial hatred of Roma people and other minorities in Romania.

Russian Federation

28. Due to an unstable political atmosphere and difficult economic conditions, anti-Semitism is on the rise in Russia and many people are blaming Jews for societal problems. A number of prominent political figures are taking advantage of this situation and are employing anti-Semitic rhetoric to increase their popularity.

29. For instance, the most well known extreme-right party in Eastern Europe is the Liberal Democratic Party (LDPR), headed by Vladimir Zhirinovsky, which has connections with many West European extreme-right parties such as the German DVU.[18] In addition to the LDPR, General Albert Makashov, a member of the Communist Party who has been elected to the national Parliament (*Duma*), is also well known for using his voice in Parliament to blame Jews for Russia's economic problems and to advocate the establishment of a quota on the number of Jews allowed in Russia.[19] Furthermore, in December 1998, the head of the Duma's Security Committee, also a Communist Party member, stated during a parliamentary session that Jews were committing genocide against the Russian people and called for quotas on the number of Jews allowed to hold government positions.[20] Even Russia's Human Rights Commissioner, Oleg Mironov, stated that ethnic Russians should receive special status in Russia.[21]

30. These severe anti-Semitic statements by Russian politicians were never denounced in Russian political life. In effect, the failure to criticize and prohibit such racist statements actually served to legitimize anti-Semitism and adopt it into the political mainstream, rather than keeping it at a distance on the fringes.

31. On the local level, the governor of the southern Russian region of Krasnodar, Nikolai Kondratenko, has spread anti-Semitic messages blaming Jews for political and economic problems in Russia. In March 1998, he delivered a two-hour speech in Krasnodar dedicated to the "Jewish Question".[22] Kondratenko won elections in Krasnodar several times using this anti-Semitic platform.

32. It is estimated that around 80 nationalist political parties and organizations exist in Russia. Three of them have gone so far as to adopt the use of neo-Nazi symbols and ideology. One such group is the Russian National Unity, which is registered in 25 Russian regions. One leader of this group, Igor Semyonov, was sentenced to two years in prison in 1998 for inciting hatred against Jews and people from the Caucasus region. In 1998, its campaign included demands for the deportation of Jews to Israel and of the people of the Caucasus to Turkish countries.

Sweden

33. Sweden Democrats (SD) is a far-right party that is trying, unsuccessfully, to distance itself from its past neo-Nazi image.[23] SD has no representation in the Swedish National Parliament and only minimal representation in local governments.

Switzerland

34. The right-wing Swiss People's Party, headed by Christoph Blocher, has achieved 22.5 per cent of the vote and is Switzerland's second strongest party. Its television advertisements advocated a stop to immigration, tougher asylum laws and keeping Switzerland out of the European Union.

Ukraine

35. Extreme nationalist organizations comprise a growing segment of the political spectrum in Ukraine today, though they are still of little significance. The right-wing nationalists propose a mono-ethnic State or new empire, since only an ethnocratic government could provide an adequate defence against Russian imperialism and Western "globalism". The following extreme nationalist parties were formed over the course of the break-up of the USSR in the 1990s:

(a) The Ukrainian National Assembly (*Ukrainska natsionalna assembleya*, UNA) and its paramilitary wing, the Ukrainian Self-Defence (*Ukrainska natsionalna samooborona*, UNSO). By early 1996, UNA provincial committees existed in almost all provinces. However, statistics gathered in January 1998 show that UNA membership was a mere 1,000;

(b) State Independence of Ukraine (*Derzhavna samostiyist Ukraini*, DSU) was established in Lvov in April 1990 as a semi-underground group of no more than 500 members. By the end of 1997, it numbered 2,000. The DSU promotes the superiority of the Ukrainian nation and is hostile to Russians, Jews and Americans;

(c) The Organization of Ukrainian Nationalists (*Organizatsiya ukrainskikh natsionalistiv*, OUN);

(d) The Ukrainian Conservative Republican Party (*Ukrainska konservativna republikanska partiya*, UKRP);

(e) The Ukrainian Social-Nationalist Party (USNP);

(f) The Organization of Idealists of Ukraine, and a number of lesser-known and less influential organizations.

36. Most of these parties are very poorly organized and unstable. Nevertheless, from 1993 to 1997, UNA-UNSO was extremely active. It strengthened its position, expanded its influence, and became the most popular radical right-wing party in Ukraine. Between 1994 and 1996, regional branches were established in all provinces of Ukraine, in many major regional centres, cities, and a number of settlements. Although not registered with the Ministry of Justice, UNSO is registered in Lvov province and in the cities of Rovno and Ternopol. Local authorities generally turn a blind eye to the existence of unregistered UNSO branches in view of the tolerance of UNA by the central Ukrainian authorities.

United Kingdom of Great Britain and Northern Ireland

37. As in the rest of Europe, extreme-right political parties in the United Kingdom continue to attempt to organize themselves into significant political entities. However, they have not achieved the same level of success as in other European countries, such as Austria and France. Nevertheless, the United Kingdom suffers from a great deal of non-politicized racist behaviour on the part of its institutions and public, perhaps to a greater extent than in countries such as Austria and France.[24]

38. For example, the British National Party (BNP) and Combat 18, two groups attempting to organize politically, promote racism, a ban on immigration, and oppose the global economy and involvement in the European Union. However, in May 1999, the House of Commons approved a government amendment to draft legislation setting up the assembly to require any party to secure at least 5 per cent of the vote in order to win a seat in the 25-member assembly.[25] This requirement is intended to make it more difficult for marginal, racist political groups to win a voice in the assembly.

II. LATIN AMERICAN COUNTRIES

39. The presence and activities of extreme-right organizations and movements in Latin America is linked to the emigration of Nazi war criminals after the Second World War. Active ultra-rightist groups have been identified in Argentina, Chile, Brazil and Uruguay.[26] Neo-Nazi networks have formed in Latin America, using new communication technologies such as the Internet.[27]

Argentina

40. Ivan Franze, known as the "comrade-in-chief" of the Social Order Party, claims that his organization has more than 7,000 members in Buenos Aires and its environs. Its goal is to restore the military to power in Argentina and to revive that country's military and industrial complex.

41. The National Workers' Party of Alejandro Biondini, who denies being a Nazi but admits to being an Argentine National Socialist, is another extreme-right party that is mentioned in Argentina.

42. In August 1998, there was a meeting of several neo-Nazi groups at LaSalle College in Buenos Aires; they called for an "International National Socialist" congress to be held in the year 2000 in the Chilean capital Santiago.

43. In the October 1997 elections, Aldo Rico, the leader of the far-right *Movimiento por la Dignidad y la Independencia* (MODIN, Movement for Dignity and Independence), was elected mayor of the Buenos Aires provincial town of San Miguel, despite his party's overall poor showing in the election.

Brazil[28]

44. The main centre of extreme-right organizations is the city of São Paulo and its suburbs. The fortunes of the Integralist Party[29] revived with the country's return to democracy in 1988. Currently, the party is based in the centre of the State of São Paulo. It has only a few hundred members. The *Partido Nacional Revolucionario do Brasil* (PNRB, Brazilian National Revolutionary Party), established in 1992, is an avowed neo-Nazi party. It has a loose following of about 200. The *Partido Nacional Socialista Brasileiro* (PNSB) has also been mentioned as another racist organization.[30]

45. Brazil also has a small skinhead movement, which is modelled on the skinhead movements of North America and Europe. Some of the principal skinhead groups in Brazil are: the Skinheads, the *Carecas* (skinheads) *do ABC*, the *Carecas do Suburbio*, the *Carecas do Brasil* and White Power.

46. In October 1999 an extreme-right group claimed to have planted a bomb in the Amnesty International office in São Paulo. Amnesty International has since then been subjected to renewed threats by this group.[31]

Chile[32]

47. One of the oldest neo-Nazi groups is the *Movimiento Nacional Sindicalista* (National Syndicalist Movement) founded in 1947 by Ramon Callis. The group, now led by Misael Galleguillos, supported the military dictatorship of 1973-1990 and has historical ties with the ultra-nationalist group *Patria y Liberdad* (Fatherland and Freedom) which was active in 1970 against the Government of Salvador Allende.

48. Former members of the MNS and other neo-Nazis constitute the *Comité 5 Septiembre* (5 September Committee) which is named after the failed Nazi putsch of 1938. Led by Galvarino Sepúlveda, the group organizes the annual commemoration of the event and attempts to preserve the memory of the MNS in Chile.

49. The *Movimiento Nazi Chileno* (Chilean Nazi Movement), also known as the Eugenio Lutz Group, is led by Eugenio Lutz, a Nazi veteran. Founded in 1991, it has both an adult and a youth section. Membership of the adult section is said to include a number of ex-Nazis.

50. The *Guardian de los Andes* (Guardian of the Andes) is a small neo-Nazi paramilitary youth group founded in 1994 and led by Rafael Nuñez. Its ideological mentor is Erwin Robertson, a prominent Holocaust-denying historian at the Metropolitan University in Santiago, and it claims to be supported by both Chilean and foreign neo-Nazi groups.

51. Neo-Nazi skinhead groups have also appeared in Chile in recent years. As in Europe and North America, they have adopted Nazi symbols and profess hatred towards Jews and foreigners. Although potentially violent, the Chilean groups are poorly organized, without a legitimate leader, and they have little influence. They generally take part in neo-Nazi meetings and events.

52. On 17 April 2000, most of the extreme-right organizations in Latin America and some from Europe gathered at the Ibero-American Nazi Forum in Santiago.

Uruguay

53. Investigations by some journalists revealed that organized extreme right-wing groups exist in Montevideo. While their membership is small, their activities follow a consistent pattern, frequently becoming violent. Among these groups, the National Revolutionary Front of Uruguay has been cited as the most important. In 1999, it was reported that extreme right-wing groups were behind a series of attacks against Jewish businesses and homes as well as the desecration of graves in Jewish cemeteries.

III. UNITED STATES OF AMERICA

54. Racist politics are also on the rise in the United States of America, and can be readily witnessed in the political stances of extreme-right political figures such as Pat Buchanan and David Duke, who was a candidate in the 1992 presidential elections. Extreme-right parties in America tend to operate outside the political party system and try to influence elections and policy decisions. They consist mainly of single-issue movements and are characterized by a growing focus on religious ultranationalism. For example, Pat Buchanan has bridged the gap between the Republican Party and the New Christian extreme right throughout the 1990s, while espousing an ethnocentrist "America First" political platform.[33] Another extreme-right group that organizes on the basis of a racist platform is the National Association for the Advancement of White People (NAAWP). Formed by David Duke after he left the Ku Klux Klan, the NAAWP serves as a "white civil rights organization" and opposes integration, affirmative action, welfare, interracial marriages and scholarship programmes for minorities. Other examples of extreme-right racist groups in America which hold rallies and disseminate racist propaganda are the National Alliance, the National Socialist White People's Party, the Ku Klux Klan and the Aryan Nation (all of these groups maintain Web sites on the Internet).

IV. AUSTRALIA

55. Extreme-right politics became a mainstream force in Australian politics in 1996 with the entrance of Pauline Hanson's One Nation party. One Nation's quick rise in popularity has been attributed to dissatisfaction with the current political establishment, increasing poverty, globalization, and hostility towards Asian immigrants. One Nation's political platform contained plans to halt Asian immigration and Asian foreign investment and to discontinue programmes intended to benefit Aboriginals.[34] During One Nation's strongest period, it persistently received 6-10 per cent support across Australia, up to 30 per cent in some rural regions of Queensland, and as much as 25 per cent in New South Wales. However, beginning in 1998, One Nation was plagued with internal struggles resulting in resignations by two members of Parliament and expulsions and suspensions of party officials. As a result of these internal conflicts, One Nation won only one seat in the Senate, and none in the House of Representatives, in the October 1998 elections. Pauline Hanson herself was not even re-elected as a member of Parliament.

56. Nevertheless, much of One Nation's agenda has been integrated into the mainstream of Australian politics.[35] Pauline Hanson's platform has acted as a sounding board for other politicians to identify the issues that are important to voters. These have shown to be immigration, refugees and multiculturalism. The major parties (Labour, Liberal and National) have subsequently changed their policies in order to capture the votes formerly given to One Nation, which came largely from men over 50 years old with blue-collar jobs.[36]

V. INTERNATIONAL NORMS AND LEGAL MEASURES ADOPTED BY SOME GOVERNMENTS

57. International legislation is clear on the need to prohibit organizations that practise incitement to racial hatred. It is predicated on striking a balance between the need to combat racism and racial discrimination and respect for the fundamental freedoms set forth in several of the international human rights instruments, such as freedom of opinion, freedom of expression and freedom of association. For example, article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination stipulates:

> "States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia:
>
> (a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(...)".

58. Despite the clarity and precision of this article, many States parties, in ratifying the Convention, have made comments and entered reservations which limit its implementation in the domestic sphere.[37] However, the Committee on the Elimination of Racial Discrimination has on several occasions pointed out that the provisions of article 4 permit full compliance with the obligations contained therein, "with due regard" to the fundamental rights to freedom of expression, opinion and association. The opinion of the Committee, shared by most States parties, is that these rights are not absolute, but subject to limitations, which lie in the balance to be struck between the obligations deriving from article 4 and the protection of these fundamental freedoms.[38]

59. Furthermore article 20, paragraph 2, of the International Covenant on Civil and Political Rights states, "Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law". Similarly, in accordance with article 29, paragraph 2, of the Universal Declaration of Human Rights, "In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society". While fully endorsing this provision of the Universal Declaration, the Special Rapporteur reiterates that a refusal to prohibit organizations and political parties that practise incitement to racial discrimination is no argument for democracy, but, quite the contrary, creates a democratic paradox by protecting organizations that frequently endanger the very foundations of democracy.

60. To conclude the issue of the difficulties involved in prohibiting racist organizations, article 29, paragraph 3, of the Universal Declaration stipulates that the rights and freedoms mentioned therein "may in no case be exercised contrary to the purposes and principles of the United Nations".

61. This brief legal overview demonstrates that the expansion of racial discrimination sought by a large number of organizations can be countered without risk of being arbitrary. The examples of a number of States may be cited in this regard:

Austria

62. According to a report by three European Union experts - Martti Ahtisaari, Jochen Frowein and Marcelino Oreja - adopted in Paris on 8 September 2000:

"The principle of party freedom is recognized in the Austrian Constitution and in special legislation for political parties. However, a strong prohibition concerning National

Socialist organizations has been in existence since 1945. According to this prohibition law ('Verbotsgesetz') all National Socialist organizations are prohibited and it is a criminal act to reactivate National Socialist organizations.

This legislation has been applied in practice continuously. In 1988, the Austrian Constitutional Court decided that a particular organization was in fact an organization reactivating National Socialist ideas and was therefore prohibited. According to the jurisprudence of the Austrian Constitutional Court the prohibition automatically applies and must be implemented by every State authority which deals with such an organization. This shows that no National Socialist party is lawful under the Austrian constitutional system.

It is clear from the case law of the Austrian Constitutional Court that in any case where a political party appears before the Court, the Court may ex officio rule on the question whether the prohibition law applies where the Court has reason to take up that issue. The FPÖ has been an applicant before the Court in many cases concerning electoral matters. The Court has not seen any reason to question the lawfulness of the FPÖ in relation to the 'Verbotsgesetz'."

Brazil

63. The 1988 Brazilian Constitution makes the public expression of religious or racial prejudice a crime carrying a mandatory prison sentence with no possibility of bail (art. 5, XLII). This legislation has rarely been used. A law banning the use of the swastika was approved by the federal senate in 1994. Those convicted of using the symbol can be sentenced to between two and five years in prison. In September 1990, the then President, Fernando Collor de Mello, signed law 8,081/90, which made illegal all discriminatory acts and prejudice on the grounds of race, religion, colour, or ethnic or national origin.

Germany

64. Article 9 (2) of the German Constitution states that "associations, the purposes or activities of which conflict with criminal laws or which are directed against the constitutional order or the concept of international understanding are prohibited". Article 21 (2) further states that "parties which, by reason of their aims or the behaviour of their adherents, seek to impair or abolish the free, democratic basic order shall be declared unconstitutional by the Federal Constitutional Court". In essence, persons and organizations that abuse the freedom of expression or opinion, in particular, the freedom of association, forfeit this basic right (article 18 of the Constitution, section 1 of the *Versammlungsesetz* (Assembly Act)).

65. To carry on with the activities of a political party which has been declared unconstitutional or an organization that has been prohibited is punishable by a maximum of five years' imprisonment, under the German Criminal Code (sects. 84 and 85). The Criminal Code also contains a provision directly prohibiting incitement to racial hatred and violence against segments of the population, which can be punishable by a maximum of five years' imprisonment (sect. 130, as amended in 1994).

66. In 1996, German authorities banned 10 extreme rightist organizations. The banned organizations are: *Nationalistische Front* (NF), *Deutsche Alternative* (DA), *Nationale Offensive* (NO), *Wiking-Jugend* (WJ), *Freiheitliche Deutsche Arbeiterpartei* (FAP), *Kameradschaftsbund Wilhemshaven*, *National Block*, *Freudeskreis für Deutschland*, *Nationale Liste* and *Heimattreue Vereinigung Deutschland* (HVD). Efforts to deprive recognized rightist extremists of their fundamental rights under article 18 of the Constitution have also been made by German authorities.

67. Furthermore, the Office for the Protection of the Constitution (*Landesamt für Verfassungsschutz*) consistently monitors the activities of the extreme right and brings to justice anyone who is in breach of the law. A special police group established in 1991 in Saxony, Soko Rex, also works to combat the extreme right and xenophobia. It carries out regular searches on extreme rightist organizations' headquarters and their members' houses, punishes illegal acts and takes preventive measures to stop young people getting involved in such organizations.

68. A heated debate over whether to ban the most radical extreme-right party, the National Democratic Party (NPD), is currently taking place in Germany. The German Government, however, has taken a very careful approach in order to avoid the slightest possibility of its initiative being dismissed by the Constitutional Court in Karlsruhe. Where the banning of a party is concerned, the Constitutional Court's requirements are strict: the party in question must endanger or seek to destroy the fundamental principles of democracy, in a combative and actively aggressive manner. A group of experts has consequently been asked to look into the case. In December 2000 the Bundestag, the German Parliament, approved the application to ban the NPD.

Israel

69. Israel's penal law expressly prohibits the incitement of "promoting feelings of ill-will and enmity between different sections of the population" (Penal Law 1977, art. 133). In mid-1980, Israel also reformed its election law barring the participation of racist parties in national and municipal elections. Further, several landmark decisions have resulted in the curbing of extreme-right parties. For instance, in the case of *Neiman v. Central Elections Committee of the 12th Knesset*, Israel's Supreme Court disqualified racist political parties from running for election to the *Knesset*. Moreover, according to article 5 (2) of the 1992 Political Parties Law, the Registrar of Political Parties cannot register political parties whose objectives include explicit or implicit incitement to racism, or whose behaviour reflects such incitement.

70. Furthermore, two extremist Jewish political organizations, *Kach* (see above) and Kahana Lives, were declared to be illegal terrorist organizations by the Government in the 1990s. Membership in these or similar groups was expressly prohibited in a policy statement. The decision was challenged before the Supreme Court, but the Court upheld the policy statement banning membership in such organizations.

71. The Ministry of Justice also set up a special team in December 1995 to monitor and enforce the law in cases of incitement, including incitement to racial or ethnic hatred. The special team is empowered to make operative recommendations to the State Attorney about

whether to commence prosecution proceedings or take other legal measures. However, with regard to these types of offences, the general policy of the State Attorney's Office is one of restraint, taking into account the freedom of speech.

VI. CONCLUSION AND RECOMMENDATION

72. The ideology promoted by extreme-right organizations and the violence perpetrated by some of them against ethnic and religious minorities and immigrants are incompatible with the current trend towards global integration and violate basic principles of equality and non-discrimination enshrined in several human rights instruments that States parties have committed themselves to uphold.

73. In the framework of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the Preparatory Committee may wish to request that the Governments concerned provide the Conference with a national study on concrete measures which have been adopted to prohibit the activities of extreme-right parties and organizations. The Committee may also wish to recommend that States parties which have made declarations on and reservations to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination consider the possibility of withdrawing such declarations and observations so as to make their legislation to combat racism and racial discrimination more effective.

Notes

[1] Extreme-right organizations include ultra-nationalists, neo-Nazists, neo-Fascists and skinheads.

[2] Cas Mudde, "The Single-Issue Party Thesis: Extreme Right Parties and the Immigration Issue", *West European Politics*, vol. 22, No. 3, July 1999.

[3] "Election results show rising spectre of hate in Austrian politics - ADL concerned over support for Haider's Freedom Party", Anti-Defamation League (New York), 4 October 1999.

[4] Ibid.

[5] Anatolian Science and Technology Strategies Research Institute, World Racism Report 1998, Istanbul, September 1999, p. 55.

[6] Ibid., p. 138.

[7] Report by Mr. Glèlè-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, submitted pursuant to Commission on Human Rights resolution 1998/26 (E/CN.4/2000/16/Add.1).

[8] "National Alliance head released from custody", *Czech News Agency*, 21 June 2000.

[9] Peter Ford, "Extreme right in France going mainstream", *The Christian Science Monitor*, 1997.

[10] *World Racism Report 1998*, op. cit. (see note 5), p. 118.

[11] Deidre Berger, "Germany's Far Right Forms Political Base", *The Christian Science Monitor*, 27 March 1998.

[12] Ibid., quoting University of Marburg professor Bernd Hafeneger.

[13] Institute of Race Relations, at www.irr.org.uk

[14] "New report says political anti-Semitism on rise in Hungary, ADL expert in Eastern Europe cites a troubling trend", *Anti-Defamation League* (New York), 22 December 1999.

[15] Ibid.

[16] "Close watch on Italy's Nationalist Party as country goes to the polls", at www.CNN.com, 15 April 2000.

[17] See S.O.S. Racismo, *A extrema-direita em Portugal*, Lisboa, 1998.

[18] Cas Mudde, "Extreme right parties in Europe", *Patterns of Prejudice*, vol. 34, No. 1, 30 June 2000.

[19] Anti-Defamation League, "The Re-emergence of Political Anti-Semitism in Russia: A Call for Action". www.adl.org/russia, 15 February 2001.

[20] Ibid.

[21] Ibid.

[22] Ibid.

[23] Institute of Race Relations, at www.irr.org.uk

[24] "World Racism Report 1998", op. cit. (see note 5).

[25] "Commons Oks move to limit racist politics", *Chicago Tribune*, 5 May 1999.

[26] "Neo-Nazis active in Latin America", *Interpress Service*, at www.oneworld.org, 15 February 2001.

[27] Ibid.

[28] Institute for Jewish Policy Research, *Antisemitism and Xenophobia Today*, at www.ant.org.uk, 15 February 2001.

[29] The extreme-right party *Açao Integralista Brasileira* (Brazilian Integralist Party) was most popular in mid-1930 when it claimed to have 1 million members.

[30] See Marcia Regina da Costa, *Os Carecas do Subúrbio*, Voces, Petropolis, Brazil 1993.

[31] See "Work as usual" for Amnesty International, following threats from extreme right (*AI Press Release*, INDEX:AMR 19/03/00, 9 February 2000).

[32] See www.axt.org.uk

[33] Michael Minkenberg, "The renewal of the radical right", *Government and Opposition*, vol. 35, No. 2, Spring 2000.

[34] *World Racism Report*, op. cit., p. 201.

[35] Linda Tenenbaum, "The Rise and Decline of Pauline Hanson's One Nation", World Socialist Web site, www.wsws.org, 9 March 1999.

[36] Iva Dutchman, "Pauline Hanson and the rise and fall of the radical right in Australia", *Patterns of Prejudice*, vol. 34, No. 1, 30 June 2000.

[37] Antigua and Barbuda, Australia, Austria, Bahamas, Barbados, Belgium, Fiji, France, Italy, Malta, Nepal, Papua New Guinea, Tonga, United Kingdom of Great Britain and Northern Ireland and the United States of America.

[38] For the opinion of the Committee on the Elimination of Racial Discrimination, see General Recommendation I of 24 February 1972, General Recommendation XV (42) of 17 March 1993 and the Report of the United Nations Seminar to assess the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination with particular reference to articles 4 and 6 (E/CN.4/1997/68/Add.1).

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RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE

Preparatory Committee
Second session
Geneva, 21 May-1 June 2001
Item 6 of the provisional agenda

REVIEW OF REPORTS, STUDIES AND OTHER DOCUMENTATION FOR THE PREPARATORY COMMITTEE AND THE WORLD CONFERENCE

Note by the Secretary-General

Corrigendum

Paragraph 20, second sentence

Delete the Christian Democratic Union (CDU) and the Social Democratic Party (SPD).

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